IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15671 of 2006

Between:

Kasagani Venkateswara Rao.

..... PETITIONER

AND

1.The State Election Commission,
III Floor, Buddha Bhavan, M.G.Road,
Secunderabad, and 4 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15671 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 4th respondent in accepting the nomination of the 5th respondent for the post of Sarpanch of Pattempalem Gram Panchayat, Tadepalligudem Mandal, West Godavari

District, though he incurred disqualification under Section 19(3) of the Andhra Pradesh Panchayat Raj Act as illegal, arbitrary and contrary to law and issue consequential direction to the respondents 1 to 4 to declare that the

5th respondent is not eligible to contest for the post of Sarpanch of Pattempalem Gram Panchayat.

It is stated by the learned Counsel for the petitioner that though relevant material was placed before the fourth respondent to show that the 5th respondent was disqualified for the post of Sarpanch under Section 19(3) of the A.P.Panchayat Raj Act, 1994, the same was not considered and the nomination was accepted illegally.

This, being a disputed question of fact, cannot be gone into at this stage. The petitioner is having an efficacious alternative remedy by way of filing an election petition.

With the above observation, the Writ Petition is disposed of. No costs.

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31st

July, 2006

LUR